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CAREN CARL MANDOYAN, an individual

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR COUNTY OF LOS ANGELES**

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11 COUNTY OF LOS ANGELES,
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13 Petitioner/Plaintiff,
vs.

14 ALEX VILLANUEVA, Sheriff of Los Angeles
County Sheriff's Department; CAREN CARL
15 MANDOYAN, an individual; LOS ANGELES
COUNTY SHERIFF'S DEPARTMENT; and
16 DOES 1 through 10, inclusive,
17
18 Respondents/Defendants.

) **CASE NO. 19STCP00630**

) **[Assigned to the Hon. Mitchell L.**
) **Beckloff, Judge, Dept. "86"]**

) **RESPONDENT/DEFENDANT CAREN**
) **CARL MANDOYAN'S OPPOSITION TO**
) **PLAINTIFF'S *EX PARTE* APPLICATION**
) **FOR TEMPORARY RESTRAINING**
) **ORDER AND ORDER TO SHOW**
) **CAUSE RE PRELIMINARY**
) **INJUNCTION; DECLARATION OF**
) **CAREN CARL MANDOYAN**

) **Date: March 6, 2019**
) **Time: 8:30 a.m.**
) **Dept.: "86"**

) **Action Filed: March 4, 2019**

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22 TO THE HONORABLE MITCHELL L. BECKLOFF AND TO ALL PARTIES AND
23 THEIR RESPECTIVE LEGAL COUNSEL OF RECORD:

24 Respondent/Defendant Caren Carl Mandoyan ("Respondent Mandoyan") hereby
25 opposes Petitioner/Plaintiff County of Los Angeles's ("Petitioner" or "the County") *ex parte*
26 application for temporary restraining order and order to show cause re preliminary
27 injunction.
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Caren Carl Mandoyan ("Respondent Mandoyan") is currently a Deputy Sheriff and
4 has served in that capacity since 2006 through 2014, and then from December 28, 2018
5 to present.

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7 Respondent Mandoyan was terminated in 2016, and filed a Writ of Mandamus
8 contesting the termination.

9 After the election of Sheriff Alex Villanueva ("the Sheriff"), a number of
10 Administrative Investigations that resulted in terminations were scrutinized for fairness by
11 a panel of high-ranking deputies ("the Panel") and a representative of the County
12 Counsel's office. The Panel, called the "Truth and Reconciliation Panel," examined
13 investigations for fairness and came to conclusions as to whether the original
14 Administrative Investigations were fairly conducted. Respondent Mandoyan was one of
15 the Deputies whose original Administrative case was scrutinized for fairness. County
16 Counsel participated in the scrutiny and came to a consensus with other members of the
17 Panel that the original Administrative Investigation was flawed and the original allegations
18 were changed to either Unresolved, Unfounded or Founded. The Panel found that the
19 imposed discipline against Respondent Mandoyan was "excessive." This finding occurred
20 through a consensus which included County Counsel.

21
22 As a result of the Panel's findings, the Los Angeles Sheriff's Department reinstated
23 Respondent Mandoyan on December 28, 2018. Respondent Mandoyan dismissed his
24 Writ of Mandamus with prejudice and he is now forever foreclosed in completing that
25 process.

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27 The County now seeks extraordinary relief and seeks to remove Respondent
28

1 Mandoyan from his position.

2 **A. THE REQUEST FOR A TEMPORARY RESTRAINING ORDER SHOULD BE**
3 **REJECTED SINCE THERE IS NO IRREPERABLE HARM AND THE COUNTY**
4 **CANNOT PREVAIL IN THIS ACTION**

5 There is absolutely no irreparable harm to the County if Respondent Mandoyan
6 continues his employment with the Sheriff's Department. Respondent Mandoyan is not a
7 threat to the community, nor is wearing his uniform harmful to the community. There are
8 simply no facts that demonstrate that Respondent Mandoyan is anything other than a fully
9 trained, POST-qualified, sworn officer with an otherwise impeccable record. On the other
10 hand, removing Respondent Mandoyan from his position will cause immediate and
11 irreparable harm by depriving Respondent Mandoyan from a pay check and the means to
12 house and feed his family.

13 Pursuant to Section 527 of the *Code of Civil Procedure*, the Court may not issue a
14 temporary restraining order ("TRO") unless it appears from facts shown by affidavit or by
15 the verified complaint that "great or irreparable injury will result to the applicant" before the
16 matter can be heard on notice. When deciding whether or not to issue a preliminary
17 injunction, trial courts should evaluate two interrelated factors. The first, is the likelihood
18 that the plaintiff will prevail on the merits at trial. The second, is the interim harm that the
19 plaintiff is likely to sustain if the injunction were denied as compared to the harm that the
20 defendant is likely to suffer if the preliminary injunction were issued. *IT Corp. v. County of*
21 *Imperial* (1983) 35 Cal.3d 63, 69; *accord Robbins v. Superior Court* (1985) 38 Cal.3d 199,
22 206. "[By] balancing the respective equities of the parties, [the trial court] concludes that,
23 pending a trial on the merits, the defendant should or that he should not be restrained
24 from exercising the right claimed by him." *Continental Baking Co. v. Katz* (1968) 68
25 Cal.2d 512, 528. Here, there is absolutely no cognizable injury to the County of Los
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1 Angeles, but there would be terrible consequences to Respondent Mandoyan who would
2 be removed from his position and left without a paycheck to take care of his family and
3 pay his mortgage. This is especially egregious since Respondent Mandoyan is simply a
4 pawn in a greater power struggle between the Sheriff and the Los Angeles Board of
5 Supervisors.

7 "The clear purpose of the restraining order is to hold the subject of litigation *in*
8 *status quo* until its final determination." *Marolda v. La Piner* (1947), 81 Cal.App.2d 742
9 (upholding restraining order restraining defendants from discontinuing water service to the
10 homes and property of plaintiffs during the pendency of this suit although plaintiffs' rights
11 to water unclear).

12 The "*status quo*" does not mean the condition of the property before the
13 disturbance. *Southern P. R. Co. v. Oakland* (C.C.D. Cal. Aug. 21, 1893) 58 F. 50, 54-
14 55 ("It is not the form, but the effect, of the order which must be regarded. **If it takes or**
15 **permits the taking from a defendant anything he has, it would anticipate and**
16 **forejudge the merits of the controversy, and transcend, as we have seen, the**
17 **purpose of a preliminary injunction.** . . . [I]t would exert before final hearing the
18 remedial, as well as conservative, powers of the court."). Consequently, even if
19 Petitioner's arguments were valid, and they are not, the Court can only keep the status
20 quo. Here, Petitioner is arguing that the status quo should be violated and Respondent
21 Mandoyan should be terminated. That would clearly be a violation of the law in that the
22 current status quo is that Respondent Mandoyan is a sworn deputy Sheriff, and Petitioner
23 requests the Court to disturb the present and remove Respondent Mandoyan from his
24 current position without the opportunity of a full hearing.

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1 An injunction cannot be granted "[t]o prevent the exercise of a public or private
2 office, in a lawful manner, by the person in possession." *Cal. Code Civ. P.* Section
3 526(b)(6).

4 **B. IT IS HIGHLY UNLIKELY THAT THE COUNTY WILL PREVAIL IN THIS**
5 **ACTION**

6 **1. THE REINSTATEMENT OF RESPONDENT MANDOYAN OCCURRED**
7 **BECAUSE THE SHERIFF CONDUCTED AN INDEPENDENT**
8 **INVESTIGATION TO CORRECT A WRONG NOT BECAUSE OF**
9 **CURRENT LITIGATION**

10 Respondent Mandoyan's initial Administrative Investigation was reviewed by the
11 Los Angeles County Sheriff's Department (see Exhibit "1").

12 A "Truth and Reconciliation Panel" was created by the Sheriff in an attempt to stem
13 the abuses of high level deputies that terminated employees for personal reasons or in
14 retaliation for protected activities. The Panel investigating Respondent Mandoyan's
15 discipline consisted of; (1) Assistant Sheriff Timothy Murakami, (2) Chief Eliezer Vera,
16 and (3) Chief Stephen Gross. Also present during discussions about the outcome of
17 Respondent Mandoyan's original Internal Affairs case were; (1) Internal Affairs Bureau
18 Captain Josie Woolum, (2) County Counsel Christopher Keosian, (3) Sergeant Julie
19 Valdez, and Lieutenant Stacy Morgan (Exhibit "1").

20 On or about December 21, 2018 (Exhibit "1"), the Panel members, including
21 County Counsel "reached a consensus that the imposed discipline had been excessive
22 for Mr. Mandoyan's actions and that several of the Department rulings lacked a factual
23 and corroborated basis." There is no dispute that the Sheriff has the authority under the
24 Charter to initiate and conduct investigations.

25 Accordingly, the Panel passed its findings to the Sheriff, and the Sheriff corrected a
26 wrong, by rolling back the initial investigation and replacing it with the investigation
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1 conducted by the Truth and Reconciliation Panel. Again, there is no dispute that the
2 Sheriff had the authority under the Charter to manage the day-to-day operations of the
3 Sheriff's Department and to correct the recommendations made by the original
4 investigators and adopt the recommendations made by the Truth and Reconciliation
5 Panel.
6

7 As a result of the new recommendations, a Settlement Agreement (Exhibit "2") was
8 executed by Respondent Mandoyan and the Sheriff's Department on December 28,
9 2018. The Settlement Agreement was not entered into by the parties as a result of
10 litigation, but was entered into as a result of the Truth and Reconciliation Panel's
11 conclusions and findings.
12

13 As a condition for the settlement, Respondent Mandoyan was required to execute
14 and file a dismissal with prejudice of his Writ of Mandamus. The dismissal with prejudice
15 was filed with the court on December 31, 2018 (Exhibit "3") and notice was provided to
16 County Counsel, Calvin House.

17 On or about January 8, 2019, Assistant Chief Timothy Murakami reinstated
18 Respondent Mandoyan to his position as a Deputy Sheriff (Exhibit "4"). And, as stated
19 earlier, the reinstatement was a result of the findings of the Truth and Reconciliation
20 Panel, not the litigation.
21

22 23 **2. CIVIL SERVICE RULE 17.01 DOES NOT APPLY TO RESPONDENT** 24 **MANDOYAN**

25 Petitioner relies on Civil Service Rule 17.01 that permits the reinstatement of a
26 county employee by the Sheriff (the appointing authority) that has been "separated from
27 county service without fault or delinquency." The employee must be reinstated by the
28 appointing power within two-years of the separation. The County claims that Respondent

1 Mandoyan's termination exceeds the two-year limitation period. However, this provision
2 only applies to those employees that were separated "without fault of delinquency," and
3 this is not the case here. Respondent Mandoyan was allegedly terminated for cause.
4

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6 **3. RESPONDENT MANDOYAN EXECUTED A SETTLEMENT AGREEMENT**
7 **THAT HE CLEARLY BELIEVED WAS AUTHORIZED BY THE COUNTY,**
8 **AND UPON SUCH RELIANCE DISMISSED HIS WRIT OR MANDAMUS.**

9 Respondent Mandoyan executed an agreement that he clearly believed was
10 binding and enforceable. In return, he gave up his due process rights and dismissed his
11 Writ of Mandamus, forever discharging his ability to challenge the civil service hearing.
12 Respondent Mandoyan, notwithstanding the County's dispute with the Sheriff, entered into
13 the agreement relying upon the ostensible authority of the Sheriff, and therefore, the
14 County should be estopped from terminating his employment. It is baffling that the County
15 would bring this motion knowing full well that the contract that was executed between
16 Respondent Mandoyan and the Sheriff is fully binding on the County under theories of
17 ostensible agency.
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19 **II. CONCLUSION**

20 For the foregoing reasons, it is requested that this Court deny Petitioner's
21 Petitioner/Plaintiff County of Los Angeles' *ex parte* application for temporary restraining
22 order and order to show cause re preliminary injunction.
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1 Dated: March 5, 2019

LAW OFFICES OF GREGORY W. SMITH

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4 By:



GREGORY W. SMITH
DIANA WANG WELLS
LEILA K. AL FAIZ
Attorneys for Respondent/Defendant
CAREN CARL MANDOYAN

“DECLARATION”

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EXHIBIT “1”

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
"A Tradition of Service Since 1850"

DATE: December 27, 2018

FILE NO: IAB IV 2383392

OFFICE CORRESPONDENCE

FROM: ELIZER VERA, CHIEF
CENTRAL PATROL DIVISION

TO: ALEX VILLANUEVA
SHERIFF

**SUBJECT: TRUTH AND RECONCILIATION PANEL REVIEW OF IAB IV#2383392,
DEPUTY CAREN MONDOYAN MATTER**

The purpose of this memorandum is to document the review of administrative investigation, IV#2383392, involving allegations of misconduct against former Deputy Caren Mandoyan #473892. On December 21, 2018, the case was reviewed by the Truth and Reconciliation panel members, comprised of Assistant Sheriff Timothy Murakami, Chief Elizer Vera, and Chief Steven Gross. Present during the discussion were Internal Affairs Bureau Captain Josie Woolum, County Counsel Christopher Keosian, Advocacy Unit Sergeant Julie Valdes, and Assistant Sheriff's Aide Lieutenant Stacy Morgan.

On September 15, 2016, Mr. Mandoyan received his Letter of Imposition from the Sheriff's Department, notifying him he was discharged from his position of deputy sheriff at the close of business on September 14, 2016. On September 26, 2016, Mr. Mandoyan appealed his discharge to the Civil Service Commission, who granted him a hearing. On January 4, 2018, the appointed hearing officer upheld the Department's termination judgment. Mr. Mondoyan filed objections to the hearing officer's report and on May 16, 2018, the Civil Service Commission of the County of Los Angeles overruled Mr. Mondoyan's objections and adopted as its final decision to sustain the Department with discharge.

On December 21, 2018, the panel members met and discussed the allegations contained in the Department's Letter of Imposition. The committee members reached a consensus that the imposed discipline had been excessive for Mr. Mondoyan's actions and that several of the Department's rulings lacked a factual and corroborated basis. Although the hearing officer and Civil Service Commission ruled in the Department's favor, the foundation for these decisions appeared to be heavily weighted on Ms. Taylor's credibility and presentation during her testimony at the hearing. Mr. Mandoyan elected not to testify during the hearing, his right under Rule 4.11 of the Civil Service Rules; however, this resulted in only Mr. Mondoyan's

December 27, 2018

Mondoyan's Internal Affairs Bureau interview being considered, which did not allow for rebuttal or clarifying statements on his behalf.

The panel members reviewed each of the charges brought forth by the Department against Mr. Mondoyan, many of which had no independent witnesses or corroborating evidence toward the events. The panel found the Department was flawed to rule in such a definitive manner based upon conflicting and unsubstantiated statements between two parties. In particular, there was no supporting evidence to confirm a domestic violence incident occurred between Mr. Mondoyan and Ms. Taylor, in September of 2014, except for the undocumented account provided by Ms. Taylor, which Mr. Mondoyan emphatically denied. All photographic evidence submitted by Ms. Taylor was significantly delayed in reporting and could not be date verified; as a result, the panel found the allegations of domestic violence against Mr. Mondoyan to be **"Unresolved."**

The Department's original charges in this case indicated Mr. Mondoyan attempted to gain entry into Ms. Taylor's residence through a sliding glass door to her balcony; he used a tool/object in an attempt to pry the sliding door off its track system; he attempted to gain entry into the sliding door after Ms. Taylor repeatedly told him to leave; and he attempted to enter Ms. Taylor's bathroom window without her permission. During Mr. Mondoyan's interview, he denied the intent of these actions were ever to attempt entry into Ms. Taylor's apartment or to pry her sliding door off the track. Mr. Mondoyan indicated Ms. Taylor locked him out of the residence during an argument, so he used a "broomstick" to tap on the balcony door in an effort to gain her attention. Mr. Mondoyan also claimed he only opened Ms. Taylor's bathroom window in an attempt to apologize. Mr. Mondoyan testified he never intended to force entry into Ms. Taylor's apartment on any of these occasions. It appeared in the Department's initial review of the case, Mr. Mondoyan's account was summarily dismissed, while full credibility was provided to Ms. Taylor's testimony and her interpretation of Mr. Mondoyan's intent and mindset during the incident. The panel found due to the conflicting explanations provided by both Ms. Taylor and Mr. Mondoyan, the above charges and any associated issues concerning false statements and dishonesty were determined to be **"Unresolved."**

Conversely, the committee concluded Mr. Mondoyan exercised poor decision making, and acted in an impulsive and immature manner when he entered onto the balcony patio of Ms. Taylor's residence and repeatedly knocked on her window, and when he opened her unlocked bathroom window and engaged in a back and forth exchange, which he claimed was for the purpose of apologizing. Ms. Taylor did not give Mr. Mondoyan permission to either climb onto her balcony or open her window, and she repeatedly told him to

leave, threatening to call the police. Furthermore, as a law enforcement officer, Mr. Mondoyan was aware of the proper procedure to retrieve personal property from a residence and he should have exhibited better judgement when he attempted to use an object to re-enter Ms. Taylor's residence for the purpose of retrieving his personal belongings. Mr. Mondoyan's actions brought discredit to himself and the Department and the evidence developed in this investigation supports a "**Founded**" charge on these violations.

Although Mr. Mondoyan was named as a subject in both a Domestic Violence/Stalking report, authored by El Segundo Police Department, and a domestic violence restraining order, filed by Ms. Taylor at the Chatsworth Courthouse, both reports were dismissed a short time later. The Temporary Restraining Order, which was partly granted on July 14, 2015, was dissolved by the Superior Court of California, County of Los Angeles, on August 4, 2015, after Mr. Mondoyan and Ms. Taylor entered into a Dispute Resolution Agreement on July 28, 2015. Additionally, on September 8, 2015, the domestic violence case filed by the El Segundo Police Department was dismissed by Deputy District Attorney Linda Lofffield, who opined there was no evidence regarding a felonious intent or theft intent, and there was insufficient evidence to prove beyond a reasonable doubt that the crime was committed. The panel members determined an individual should not be subjected to discipline based solely upon being named in a police report and/or a temporary restraining order; such discipline would unfairly impact those falsely accused of a crime, without first being proven guilty of such acts. Due to both the restraining order and the criminal charges being dismissed, the panel finds these charges remain "**Unresolved.**"

The panel also reviewed Mr. Mondoyan's failure to notify his immediate supervisor when he was served and named in a domestic violence restraining order on July 22, 2015, which restricted his ability to possess a firearm. The panel noticed at the time of this service, Mr. Mondoyan had already been relieved of duty for 12 days, effective July 10, 2015. On the date of service, Mr. Mondoyan was neither acting in a law enforcement capacity nor did he possess a Department firearm, due to his relieved of duty status. The panel understood the confusion Mr. Mondoyan may have faced regarding making a notification to his supervisor, since Mr. Mondoyan associated the restraining order with the case for which he was already relieved of duty and instead notified his attorney, Michael Goldfeder, of the restraining order service. The panel concluded the charge was "**Unresolved,**" due to Mr. Mondoyan's work status at the time of the service, which lent to his confusion on the need to notify a supervisor.

The panel determined the following charges were "**Unfounded**" based upon the testimony and findings during the hearing. Former Assistant Sheriff Bobby Denham, the decision maker for the Department, testified he did not

consider the allegations of sending the unwanted text messages had been sufficiently linked to Mr. Mondoyan; the panel concurred. Although the Department alleged Mr. Mondoyan made unwanted phone calls to Ms. Taylor, the hearing officer determined the evidence presented did not demonstrate specific unwanted phone calls, due to the dysfunctional relationship between the two parties; the panel also concurred. The hearing officer also did not support the allegation Mr. Mondoyan used Ms. Taylor's home surveillance camera system, without her knowledge, to observe her activities while she was home. Because Ms. Taylor provided Mr. Mondoyan with the log-on information, including the password, and did not expressly revoke his access, it was established she consented to his access of the camera; the panel concurred. In contrast to the hearing officer's and the Department's initial findings, the panel found there was no evidence Mr. Mondoyan stalked Ms. Taylor when she visited a local restaurant or that he listened to Ms. Taylor engage in a sexual relationship with another man. At the time of the incidents, Mr. Mondoyan and Ms. Taylor resided in the same city, El Segundo. It is not without reason a happenstance encounter could occur when two people reside in such close proximity. Additionally, the hearing officer determined Ms. Taylor consented to Mr. Mondoyan's access to her camera system, which included audio capabilities. Based on the hearing officer's response to the video camera and both parties living in the same city, the panel finds these violations to be "**Unfounded**."

Mr. Mondoyan admittedly maintained strong emotions for Ms. Taylor and attempted to both contact and reconcile their relationship on multiple occasions. In Mr. Mondoyan doing so, the panel recognizes the serious nature of his actions and concludes Mr. Mondoyan behaved in an irrational, unprofessional, and impulsive manner, which not only brought embarrassment to himself, but to the Department. However, the panel also finds that during his tenure with the Department, Mr. Mondoyan was a productive, well-respected, and highly valued deputy and field training officer. His work ethic and dedication to the Department were evident through the testimony of coworkers and supervisors. After the re-evaluation of the charges brought forth in this investigation, the panel finds the charges do not rise to the level of a "Discharge," and absent additional information in this case, recommends reinstatement for full duty for Mr. Mondoyan, with an imposed twelve days of suspension from duty upon his return. It is with great confidence the panel members believe Mr. Mondoyan can once again be a productive member of the Department, with a bright future as a deputy sheriff.

Attached to this document are the revised charges based upon the panel's discussion

CAREN MANDOYAN, #473892
DEPUTY SHERIFF
REVISED CHARGES 12/21/2018

The evidence developed in this investigation **supports** the following:

1. That in violation of Department's Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.15, Conduct Toward Others, on or about or between March 2013 and July 2015, while off duty, Subject Caren Mandoyan, who was involved in a personal/intimate relationship with Deputy Amber Taylor, exercised poor judgment and decision making skills, when he failed to treat her in a respectful, courteous and civil manner, as evidenced by, but not limited to the following:
 - a. entering the balcony/patio area of Deputy Amber Taylor's residence without permission and repeatedly knocked on her sliding glass door, after she told him to leave; and/or,
 - b. using and/or admitting to using a metal tool/object/"pulley" to gain Deputy Taylor's attention and/or to enter Deputy Taylor's residence for the purpose of retrieving his backpack and/or key; and/or,
 - c. opening the bathroom window of Deputy Taylor's residence from the outside and without permission for the purpose of apologizing, after she repeatedly told him to leave.

Subject Mandoyan's behavior brought discredit to himself and the Department

The evidence in this investigations is **does not support** the following and is therefore **Unresolved**:

1. That in violation of the Department's Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders, as it pertains to 273.5 P.C., Domestic Violence, and/or 594 P.C., Vandalism, and/or 3-01/030.16, Family Violence, on or about September 1, 2014, while off duty, Subject Caren Mandoyan, who had a personal/intimate relationship with Deputy Amber Taylor, exercised poor judgment when he failed to treat her in a respectful, courteous, and civil manner, and/or exercised poor judgement when he antagonized her and engaged in an act of violence against her causing injury, as evidenced by, but not limited to the following:
 - a. pushing and/or grabbing Deputy Taylor by her arm; and/or,
 - b. placing his hand around Deputy Taylor's neck and/or squeezing it, restricting her ability to breath; and/or,

CAREN MANDOYAN, #473892
DEPUTY SHERIFF
REVISED CHARGES 12/21/2018

- c. using his foot to stop Deputy Taylor from closing her door as she tried to retreat from his assault; and/or,
 - d. damaging the door to Deputy Taylor's residence.
- 2. That in violation of the Department's Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.15 Conduct Toward Others, and/or 3-01/030.10, Obedience to Laws, Regulations and Orders, as it pertains to 602 P.C., Trespassing, and/or 459 P.C., Burglary); on or about March 2013 to July 2015, while off duty, Deputy Mondoyan, who had a personal/intimate relationship with Deputy Taylor, failed to treat her in a respectful, courteous, and civil manner, and/or exercised poor judgment when he continuously antagonized and harassed her as evidenced by, but not limited to:
 - a. being captured on a video-recording attempting to gain entry into Deputy Taylor's residence through the balcony sliding glass door; and/or,
 - b. using a tool/object "pulley" to pry Deputy Taylor's sliding glass door off of the track system; and/or,
 - c. attempting to gain entry into Deputy Taylor's residence even after Deputy Taylor repeatedly told him to go away; and/or,
 - d. attempting to enter Deputy Taylor's residence through the bathroom window without her permission.
- 3. That in violation of the Department's Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders, and/or 3-01/050.30, Off-Duty Incidents, on or about July 14, 2015 you brought discredit upon yourself and/or the Department as evidenced by, but not limited to:
 - a. being named as a Domestic Violence/Stalking suspect in an El Segundo Police Department Crime Report (#15-1659); and/or,
 - b. having a domestic violence restraining order filed against him (North Valley District Chatsworth Courthouse under case #YQ023010); and/or,

CAREN MANDOYAN, #473892
DEPUTY SHERIFF
REVISED CHARGES 12/21/2018

- c. failing to immediately notify his immediate supervisor and/or watch commander that he was served, and named in, a domestic violence restraining order. The order restraining order restricted his ability to possess firearms
- 4. That in violation of the Department's Manual of Policy and Procedures Sections 3-01/040.69; Honesty Policy, and/or, 3-01/040.70 Dishonesty/False Statements; and/or, 3-01/040.75 Dishonesty/Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about July 14, 2016, Subject Mandoyan failed to make truthful, complete, and/or accurate statement in his administrative interview, as evidenced by, but not limited to:
 - a. denying that he attempted to enter into Deputy Taylor's residence by way of her sliding glass door; and/or;
 - b. denying that he attempted to enter into Deputy Taylor's residence through her bathroom window.

The evidence in this investigations is **does not support** the following and is therefore **Unfounded**:

- 1. That in violation of the Department's Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders, as it pertains to 273.5 P.C., Domestic Violence, and/or 594 P.C., Vandalism, and/or 3-01/030.16, Family Violence, on or about September 1, 2014, while off duty, Subject Caren Mandoyan, who had a personal/intimate relationship with Deputy Amber Taylor, exercised poor judgment when he failed to treat her in a respectful, courteous, and civil manner, and/or exercised poor judgement when he antagonized her and engaged in an act of violence against her causing injury, as evidenced by, but not limited to:
 - a. using Deputy Taylor's home surveillance camera system without her permission or knowledge to observe her activities while she was in her home, and/or,
 - b. following Deputy Taylor without her knowledge as he was accompanied to an eating establishment by another man; and/or,
 - c. listening to Deputy Taylor as she engaged in sexual intercourse with another man.

CAREN MANDOYAN, #473892
DEPUTY SHERIFF
REVISED CHARGES 12/21/2018

2. That in violation of the Department's Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.15 Conduct Toward Others, and/or 3-01/030.10, Obedience to Laws, Regulations and Orders, as it pertains to 602 P.C., Trespassing, and/or 459 P.C., Burglary); on or about March 2013 to July 2015, while off duty, Deputy Mondoyan, who had a personal/intimate relationship with Deputy Taylor and failed to treat her in a respectful, courteous, and civil manner, and/or exercised poor judgment when he continuously antagonized and harassed her as evidenced by, but not limited to:
 - a. generating and/or sending unwanted text messages to Deputy Taylor; and/or,
 - b. making unwanted phone calls to Deputy Taylor.

EXHIBIT “2”

SETTLEMENT AGREEMENT

PRELIMINARY STATEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department (hereinafter referred to as "Department") and Deputy Caren Mandoyan, Employee No. 473892 (hereinafter referred to as "Deputy Mandoyan").

RECITALS

The Department and Deputy Mandoyan are interested parties in a dispute and desire to settle any and all matters involving Internal Affairs Bureau's Investigation No. 2383392 and under Civil Service No. 16-276. The parties desire to resolve all disputes arising as the result of that investigation, the Civil Service matter, and to avoid litigation and any and all administrative processes upon the terms and conditions hereinafter set forth.

NOW AND THEREFORE, the Department and Deputy Mandoyan for and in consideration of the mutual covenants herein, agree as follows:

1. The Department, upon execution of this Settlement Agreement, shall rescind the discharge action that was imposed on September 14, 2016, pursuant to Internal Affairs Bureau's Investigation No. 2383392.
2. Both parties agree and understand that Deputy Mandoyan's Performance Recording and Monitoring System will state "Founded" under Internal Affairs Bureau's Investigation No. 2383392 in violation of Department's Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.15, Conduct Toward Others, on or about or between March 2013 and July 2015, while off duty, Deputy Mandoyan, who was involved in a personal/intimate relationship with Deputy Amber Taylor, exercised poor judgment and decision making skills, when he failed to treat her in a respectful, courteous and civil manner. Deputy Mandoyan will receive a suspension of twelve (12) days for these violations.
3. Both parties agree and understand that Deputy Mandoyan's Performance Recording and Monitoring System will state "Unresolved" under Internal Affairs Bureau's Investigation No. 2383392 for allegation of violations of the Department's Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders, as it pertains to 273.5 P.C., Domestic Violence, and/or 594 P.C., Vandalism, and/or 3-01/030.16, Family Violence., on or about September 1, 2014.

4. Both parties agree and understand that Deputy Mandoyan's Performance Recording and Monitoring System will state "Unresolved" under Internal Affairs Bureau's Investigation No. 2383392 for the allegation of violations of the Department's Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.15 Conduct Toward Others, and/or 3-01/030.10, Obedience to Laws, Regulations and Orders, as it pertains to 602 P.C., Trespassing, and/or 459 P.C., Burglary); on or about March 2013 to July 2015, while off duty.
5. Both parties agree and understand that Deputy Mandoyan's Performance Recording and Monitoring System will state "Unresolved" under Internal Affairs Bureau's Investigation No. 2383392 for the allegation of violations of the Department's Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders, and/or 3-01/050.30, Off-Duty Incidents, on or about July 14, 2015.
6. Both parties agree and understand that Deputy Mandoyan's Performance Recording and Monitoring System will state "Unresolved" under Internal Affairs Bureau's Investigation No. 2383392 for the allegation of violations of the Department's Manual of Policy and Procedures Sections 3-01/040.69; Honesty Policy, and/or, 3-01/040.70 Dishonesty/False Statements; and/or, 3-01/040.75 Dishonesty/Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about July 14, 2016.
7. Both parties agree and understand that Deputy Mandoyan's Performance Recording and Monitoring System will state "Unfounded" under Internal Affairs Bureau's Investigation No. 2383392 for the allegation of violations of the Department's Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders, as it pertains to 273.5 P.C., Domestic Violence, and/or 594 P.C., Vandalism, and/or 3-01/030.16, Family Violence, on or about September 1, 2014, while off duty.
8. Both parties agree and understand that Deputy Mandoyan's Performance Recording and Monitoring System will state "Unfounded" under Internal Affairs Bureau's Investigation No. 2383392 for the allegation of violations of the Department's Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.15 Conduct Toward Others, and/or 3-01/030.10, Obedience to Laws, Regulations and Orders, as it pertains to 602 P.C., Trespassing, and/or 459 P.C., Burglary); on or about March 2013 to July 2015, while off duty.

9. Deputy Mandoyan agrees to waive any and all future administrative and/or judicial remedies with respect to this matter and Internal Affairs Bureau No. 2383392, Writ of Mandate # BS 174714 and Civil Case # BC 719337. This waiver shall include, but not be limited to, appeals to the Los Angeles County Civil Service Commission, Los Angeles County Employee Relations Commission and/or the Los Angeles Superior Court. He also agrees to file requests for dismissal of both his civil lawsuit and Writ of Mandate within ten (10) court days of the signing of this agreement by all parties.
10. Deputy Mandoyan will serve his twelve (12) day suspension from the date of imposition date of September 14, 2016 through September 29. His date of return to the department will be September 30, 2016. In addition, the Department will pay Deputy Mandoyan full back pay at the rate of Bonus 1 Deputy from the date of September 30, 2016 through the date of this signed Settlement Agreement. Furthermore, Deputy Mandoyan shall be restored to the position of Deputy Sheriff and made whole with medical benefits and LACERA retirement (Plan B). The Department shall restore all time variances that Deputy Mandoyan had prior to September 14, 2016 (sick, sick personal, vacation, excess vacation, holiday, percentage, and save time.
11. Deputy Mandoyan acknowledges and agrees that he has been provided the opportunity to consult with a labor representative and/or attorney regarding the terms and conditions of this Settlement Agreement.
12. The parties further agree that this Settlement Agreement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice. This Settlement Agreement resolves the dispute between Deputy Mandoyan and the Department, and is not to be applied to any other facts or disputes.
13. In consideration of the terms and conditions set forth herein, Deputy Mandoyan agrees to fully release, acquit, and forever discharge the County, and all present and former officers, employees and agents of the County and their heirs, successors, assigns, and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Deputy Mandoyan concerning the subject matter referred herein. Additionally, Deputy Mandoyan specifically acknowledges that he has not been the subject of discrimination in any form, including, but not limited to, discrimination, retaliation or harassment, based upon age, race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital

status, parental status, sexual orientation or gender and that he has no claim against the Department for any such discrimination, whether any such claim is presently known or not known by him.

14. Deputy Mandoyan further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

15. Each party hereto represents and agrees that he or it has carefully read and fully understands all of the provisions of the Settlement Agreement and that he or it is voluntarily, without any duress or undue influence on the part of or on behalf of any party, entering into this Settlement Agreement.
16. This Settlement Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A photocopy or facsimile transmission of the Settlement Agreement, including signatures, shall be deemed to constitute evidence of the Settlement Agreement having been executed.
17. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Settlement Agreement.
18. The parties agree that the foregoing comprises the entire Settlement Agreement between the parties and that there have been no other promises made by any party. Any modification of this Settlement Agreement must be in writing.

DEPUTY CAREN MANDOYAN #473892

Page 5

I have read the foregoing Settlement Agreement, and I accept and agree to the Provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.



DEPUTY CAREN MANDOYAN, #473892

12-28-18

Date

For the Department:



ELIEZER VERA, CHIEF
CENTRAL PATROL DIVISION

12/28/18

Date

EXHIBIT “3”

1 PROOF OF SERVICE BY MAIL - 1013A, 2015.5 C.C.P.

2 STATE OF CALIFORNIA)
3)
4 COUNTY OF LOS ANGELES)

5 I am employed in the county aforesaid; I am over the age of eighteen years and
6 not a party to the within entitled action; my business address is:
7 400 Continental Boulevard, 6th Floor, El Segundo, CA 90245.

8 On December 31, 2018 I served the within document described as:

9 **Request for Dismissal**

10 On interested parties in this action by placing a true copy thereof enclosed in a
11 sealed envelope addressed as follows:

12 Calvin R. House US Mail
13 Gutierrez, Preciado & House, LLP
14 3020 East Colorado Boulevard
Pasadena, CA. 91107

15 I am readily familiar with the firm's practice of collection and processing
16 correspondence for mailing. Under that practice it would be deposited with U.S.
17 postal service on that same day with postage thereon fully prepaid at Los Angeles,
18 California in the ordinary course of business. I am aware that on motion of the
party served, service is presumed invalid if postal collection date or postage meter
date is more than one day after date of deposit for mailing in affidavit.

19 I declare, under penalty of perjury, under the laws of the State of California,
20 that the foregoing is true and correct. Executed on December 31, 2018 at El
21 Segundo, California.

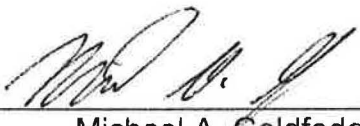
22
23 
24 Michael A. Goldfeder
25


EXHIBIT “4”

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
"A Tradition of Service Since 1850"

DATE: January 8, 2019

FILE NO: 2383392

OFFICE CORRESPONDENCE


FROM: ELIEZER VERA, CHIEF
CENTRAL PATROL DIVISION

TO: TIMOTHY K. MURAKAMI
ASSISTANT SHERIFF

SUBJECT: REINSTATEMENT - CARL MANDOYAN EMPLOYEE NO. 473892

The Department and Deputy Mandoyan are interested parties in IAB Investigation No 2383392. The Department and Deputy Mandoyan entered into a settlement agreement on December 28, 2018, resulting from Civil Service No. 16-276, with the following details:

The Department's truth and reconciliation panel convened on December 21, 2018. The committee recommended rescindment of the discharge and the imposition of a twelve (12) day suspension.

I am requesting approval to reinstate Deputy Carl Mandoyan to full-duty, as of December 30, 2018.

Please make any necessary changes in your records to reflect the attached Settlement Agreement. If you have any questions regarding this matter, please contact me at (213) 229-3036.

APPROVED/DENIED:


TIMOTHY K. MURAKAMI
ASSISTANT SHERIFF

01/08/19
DATE

EV:SMC:sc

PROOF OF SERVICE

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years of age, and am not a party to the within action; my business address is 9100 Wilshire Boulevard, Suite 345E, Beverly Hills, California 90212.

On the date hereinbelow specified, I served the foregoing document, described as set forth below on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes, at Beverly Hills, addressed as follows:

DATE OF SERVICE : March 5, 2019

DOCUMENT SERVED : **RESPONDENT/DEFENDANT CAREN CARL MANDOYAN'S
OPPOSITION TO PLAINTIFF'S *EX PARTE* APPLICATION FOR
TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW
CAUSE RE PRELIMINARY INJUNCTION; DECLARATION OF
CAREN CARL MANDOYAN**

PARTIES SERVED : Louis R. Miller, Esq.
Mira Hashmall, Esq.
Emily A. Sanchirico, Esq.
Miller Barondess LLP
1999 Avenue of the Start, Suite 1000
Los Angeles, California 90067

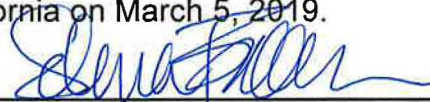
XXX (BY ELECTRONIC MAIL) I caused such document to be electronically mailed to **Louis R. Miller, Esq., Mira Hashmall, Esq., and Emily A. Sanchirico, Esq.** at the following e-mail addresses: smiller@millerbarondess.com, mhasmall@millerbarondess.com, and escanhirico@millerbarondess.com.

— (BY PERSONAL SERVICE) I personally delivered by hand to the offices of the addressee(s).

XXX (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

— (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

EXECUTED at Beverly Hills, California on March 5, 2019.



Selma Francia